

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FARRIE EASTER-GREENE, *et ux.*

*

Plaintiffs

*

v.

*

Civil Action No. 1:14-cv-01040-MJG

VERIZON MARYLAND, LLC, *et al.*

*

Defendants

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MOTION TO STRIKE AMENDED NOTICE OF REMOVAL

Plaintiffs, by their undersigned attorneys, pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, respectfully move to strike the Amended Notice of Removal filed by Defendants Harbor Group International, LLC and Harbor Group Management Company (“Harbor Group”), and state as follows:

1. Defendants filed a Notice of Removal on April 2, 2014, stating they had been served on March 4, 2014. No mention was made in that pleading that the remaining Defendant, Verizon Maryland, LLC consented to such removal.

2. Thereafter, on April 10, 2014, Harbor Group filed their Statement Concerning Removal, wherein it was stated that Harbor Group’s counsel had spoken to counsel for Verizon who consented to the removal.”

3. Verizon filed its Answer on April 8, 2014 but made no mention of consenting to a remand. Subsequently, on April 15, 2014, Verizon filed its Statement Pursuant To Standing Order Concerning Removal, acknowledging that service of the original pleadings had been effected upon it on March 6, 2014. That pleading also indicated that it consented to and joined in the removal to this Court.

4. Plaintiffs filed a Motion For Order Of Removal and supporting Memorandum on April 23, 2014. In that pleading Plaintiffs pointed out that in the Notice of Removal there was no indication that the remaining Defendant, Verizon, consented to the removal. It was also noted that the later attempts failed to comply with the requirements of 28 U.S.C. 1446(b)(2).

5. Most recently, on April 24, 2014, Harbor Group filed an Amended Notice of Removal, the only substantive addition being the reference to Verizon's consent and joinder in its pleading designated as ECF No. 14. That pleading was entitled Statement Pursuant to Standing Order Concerning Removal, filed on April 15, 2014, more than 30 days after initial service upon it, in contravention of the statute. It would be incongruous to give effect to the Amended Notice, whose sole reason for filing is to attempt to incorporate therein an invalid consent. This issue of timelines was addressed in Plaintiffs' earlier Memorandum In Support of Motion For Order Of Remand (pp. 3 - 4), which is incorporated herein by reference. Further grounds for this Motion are set forth in the accompanying Memorandum, which is incorporated herein and made a part hereof by reference.

WHEREFORE, Plaintiffs respectfully move to have the Amended Notice of Removal stricken.

Respectfully submitted,

/s/
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